

**CONSOLIDATION OF SOCIAL ASSISTANCE ACT**  
R.S.N.W.T. 1988,c.S-10

*(Current to: February 5, 2013)*

**AS AMENDED BY NORTHWEST TERRITORIES STATUTES:**

R.S.N.W.T. 1988,c.113(Supp.)

S.N.W.T. 1991-92,c.19

In force April 1, 1992

S.N.W.T. 1993,c.14

S.N.W.T. 1998,c.41

S.N.W.T. 1998,c.21

In force December 19, 1998: SI-018-98

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2010,c.3,s.16

s.16 in force March 23, 2010

S.Nu. 2012,c.17,s.25

s.25 in force June 8, 2012

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca> but are not official statements of the law.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the Revised Statutes of the Northwest Territories, 1988.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## SOCIAL ASSISTANCE ACT

### INTERPRETATION

#### Definitions

1. In this Act,

"Appeal Board" means the Social Assistance Appeal Board established by subsection 7(1); (*Commission d'appel*)

"appeal committee" means a social assistance appeal committee established pursuant to subsection 6(1); (*comité d'appel*)

"assistance" means aid of the kind prescribed to or in respect of a person in need; (*assistance*)

"Director" means the Director of Social Assistance for Nunavut appointed under section 2; (*directeur*)

"local authority" means

- (a) the council of a municipal corporation,
- (b) the council of a settlement corporation, or
- (c) **repealed, S.Nu. 2012,c.17,s.25(2)(b);**
- (d) a body that the Minister recognizes as a representative body of a community or region for the purposes of this Act; (*autorité locale*)

"person in need" means a person whose need for assistance has been established in accordance with the regulations; (*personne nécessiteuse*)

"Social Welfare Officer" means a Social Welfare Officer appointed under section 4; (*agent du bien-être social*)

"welfare services" means services of the kind prescribed having as their object the lessening, removal or prevention of the causes and effects of poverty, child neglect or dependence on public assistance. (*services de bien-être*)  
S.N.W.T. 1998,c.21,s.16(2); S.Nu. 2012,c.17,s.25(2),(7).

### ADMINISTRATION

#### Director of Social Assistance

2. There shall be a Director of Social Assistance for Nunavut appointed by the Minister. S.N.W.T. 1998,c.21,s.16(3)(a); S.Nu. 2012,c.17,s.25(7).

#### Duties of Director

**3.** (1) The Director shall, under the direction of the Minister, administer this Act and perform any other duties and functions that the Minister may impose.

S.N.W.T. 1998,c.21,s.16(3)(b).

(2) **Repealed, S.N.W.T. 1998,c.21,s.16(4).**

S.N.W.T. 1998,c.21,s.16(4).

#### Social Welfare Officer

**4.** The Director may appoint a Social Welfare Officer for the areas that may be designated in the appointment to perform the duties and functions that are prescribed.

S.Nu. 2012,c.17,s.25(3).

### ASSISTANCE AND WELFARE SERVICES

#### Assistance

**5.** (1) The Director shall, as provided in the regulations, make provision for assistance to any person in need in Nunavut or to any person in need who left Nunavut pursuant to an arrangement approved by the Director.

#### Welfare services

(2) The Director shall, as provided in the regulations, make provision for welfare services to any eligible person in Nunavut or to any such person who left Nunavut pursuant to an arrangement approved by the Director. S.Nu. 2012,c.17,s.25(7).

#### Delegation

**5.1.** (1) The Minister may, by written agreement, delegate to a local authority designated by the Minister duties and functions of the Director pertaining to the delivery of assistance and welfare services.

#### Consultation

(2) Before delegating duties or functions pertaining to the delivery of assistance and welfare services in a region comprising more than one community, the Minister must consult with such representatives of the communities in the region as he or she considers necessary. S.N.W.T. 1998,c.21,s.16(5).

### APPEALS

#### Social assistance appeal committees

**6.** (1) The Minister shall, by order, establish the social assistance appeal committees that are necessary for the hearing of appeals under this Act at the times and in the places that the Minister may designate and with the jurisdiction that the Minister may determine.

### Composition

(2) An appeal committee shall be composed of not fewer than three and not more than eight members, including a chairperson, appointed by the Minister.

S.N.W.T. 1993,c.14,s.2; S.N.W.T. 1998,c.21,s.16(3)(c).

### Board

7. (1) A board called the Social Assistance Appeal Board is established.

### Composition

(2) The Appeal Board shall be composed of a chairperson, a vice-chairperson and not fewer than three other members appointed by the Minister.

### Term of office

(3) A member of the Appeal Board shall be appointed for a term of two years.

### Panel

(4) The chairperson of the Appeal Board shall, for each appeal, designate not fewer than three and not more than five members of the Appeal Board to sit as a panel of the Appeal Board and shall direct the panel to hear the appeal.

### Quorum

(5) Three members constitute a quorum at an appeal heard by a panel of the Appeal Board.

### Decision of panel

(6) A decision made by a panel of the Appeal Board at an appeal at which a quorum is present is the decision of the Appeal Board.

### Jurisdiction, powers and duties

(7) A panel of the Appeal Board has the jurisdiction and may exercise all the powers and perform the duties of the Appeal Board under this Act and the regulations and, for that purpose, any reference in this Act or the regulations to the Appeal Board shall be deemed to be also a reference to a panel of the Appeal Board.

### Who presides

(8) The chairperson of the Appeal Board shall preside at any appeal at which the chairperson is present and the vice-chairperson shall preside at any appeal at which the vice-chairperson is present and the chairperson is not.

### *Idem*

(9) For an appeal where neither the chairperson nor the vice-chairperson are to be present, the chairperson shall appoint another member of the Appeal Board to preside at the appeal. S.N.W.T. 1993,c.14,s.3; S.N.W.T. 1998,c.21,s.16(3)(d).

#### Persons who may appeal

**8.** (1) An applicant for or recipient of assistance under this Act may appeal any decision made by a Social Welfare Officer or the Director with respect to his or her eligibility to receive that assistance or the amount of assistance paid to him or her.

#### Appeal to appeal committee

(2) An appeal made under subsection (1) shall be made in the first instance to the appeal committee for the place in which the person resides.

#### Appeal to Appeal Board

(3) An applicant for or recipient of assistance or the Director may appeal any finding of an appeal committee to the Appeal Board.

#### Appearance by applicant

(4) Every person making an appeal before an appeal committee under subsection (2) or the Appeal Board under subsection (3) is entitled to appear in person or by a representative.

#### Decision of Appeal Board

(5) The decision of the Appeal Board is final but a new application for assistance may be made by the applicant on new or other evidence or where it is made clear in the application that the material circumstances of the applicant have changed.

### GENERAL

#### Expenses and allowances

- 9.** A member of an appeal committee or the Appeal Board
- (a) is entitled to be paid reasonable travelling and living expenses incurred by the member in the performance of his or her duties on an appeal committee or the Appeal Board; and
  - (b) may be paid an allowance fixed by the Minister for each day on which the member is engaged in the work of an appeal committee or the Appeal Board. S.N.W.T. 1998,c.21,s.16(3)(e).

#### Recovery of assistance

**10.** Any amount of assistance to which a person is not eligible and any amount in excess of the amount of assistance to which a person is eligible may be recovered from the recipient at any time as a debt due to the Government of Nunavut.

S.Nu. 2012,c.17,s.25(4).

**10.1. Repealed, S.N.W.T. 1991-92,c.19,s.2; R.S.N.W.T. 1988,c.113(Supp.),s.1.**

#### Agreements

**11.** Subject to this Act, the Minister may enter into an agreement with the federal Minister of Health to provide for the payment by the Government of Canada to Nunavut of contributions in respect of the cost to Nunavut of providing



- (a) assistance to or in respect of persons in need; and
- (b) welfare services to or in respect of persons in need or persons who are likely to become persons in need unless these services are provided. S.N.W.T. 1998,c.21,s.16(3)(f); S.Nu. 2010,c.3,s.16(2); S.Nu. 2012,c.17,s.25(7).

#### Amendment or termination

**12.** An agreement entered into under section 11 may contain any other terms and conditions that the Minister considers necessary and may be amended or terminated at any time by mutual consent of the parties to the agreement.  
S.N.W.T. 1998,c.21,s.16(3)(g).

#### Confidentiality

**12.1.** (1) Subject to subsection (2), any information received by a person employed in the administration of this Act in the course of his or her employment under this Act or by a member of an appeal committee or the Appeal Board in the course of his or her appointment as a member under this Act is confidential and shall not be disclosed by the person or member except in the performance of his or her duties or as provided in subsection (2).

#### Exceptions

- (2) Information referred to in subsection (1) may be disclosed
- (a) where the person to whom it relates consents in writing to the disclosure;
  - (b) to the Financial Management Board established by the *Financial Administration Act* in respect of the forgiveness of a debt under the *Financial Administration Act*; and
  - (c) to a person employed by the Government of Canada or the government of a province or territory for the purpose of exchanging information in respect of benefits paid under this or any other federal, provincial or territorial Act.  
S.N.W.T. 1993,c.14,s.4; S.Nu. 2012,c.17,s.25(5).

## OFFENCES AND PUNISHMENT

#### False statements

**13.** No person shall make a false or misleading statement for the purpose of obtaining assistance or welfare services for himself or herself or any other person.

#### Aiding or abetting

**14.** No person shall knowingly aid or abet any other person to obtain assistance or welfare services to which that other person is not entitled under this Act.

#### Offence and punishment

**15.** Every person who contravenes this Act is guilty of an offence punishable on summary conviction.

## REGULATIONS

## Regulations

**16.** On the recommendation of the Minister, the Commissioner may make regulations that the Commissioner considers necessary to carry out the provisions of this Act and, without limiting the generality of this power to make regulations, may make regulations

- (a) **repealed, S.N.W.T. 1993,c.14,s.5(1).**
- (b) prescribing the conditions of eligibility to receive assistance or welfare services;
- (c) governing the time and manner of making applications for assistance or welfare services;
- (d) prescribing the information, material or proof, including evidence under oath, that must be provided before assistance is given;
- (e) respecting the investigation of applications in order to determine the eligibility of the applicants to receive assistance and prescribing the procedure to be followed in the consideration of all information, material and evidence submitted;
- (f) prescribing the manner in which an applicant for assistance shall be informed as to whether his or her application has been granted or refused;
- (g) prescribing the time within and manner in which assistance must be given;
- (h) respecting the forms to be used under this Act;
- (i) prescribing the circumstances or conditions under which assistance must be terminated or the amount of any assistance altered;
- (j) respecting the information and material to be provided from time to time by recipients as to their continued eligibility for assistance;
- (k) prescribing, for the purpose of this Act, the kinds of aid that constitute assistance and the kinds of services that are welfare services;
- (l) prescribing the manner in which welfare services may be provided;
- (m) prescribing the manner in which appeals must be dealt with under section 8;
- (n) prescribing the manner of informing applicants for and recipients of assistance of their responsibilities and rights under this Act and regulations;
- (o) for the carrying out of the obligations of Nunavut under an agreement made under section 11;
- (p) respecting the participation of designated local authorities in the delivery of assistance and welfare services;
- (q) prescribing the duties and functions of Social Welfare Officers.  
S.N.W.T 1993,c.14,s.5; S.Nu. 2012,c.17,s.25(7).

Regulations respecting amounts of assistance

**17.** (1) The Commissioner, on the recommendation of the Financial Management Board established by the *Financial Administration Act*, may make regulations respecting the amount of assistance and welfare services that may be given to persons in need.

Retroactive operation

(2) A regulation made under subsection (1) may, if it so provides, have retroactive effect to a day that is not earlier than the first day of the fiscal year in which it is made.

(3) **Repealed, S.Nu. 2012,c.17,s.25(6).**

(4) **Repealed, S.Nu. 2012,c.17,s.25(6).**

S.N.W.T. 1993,c.14,s.6; S.N.W.T. 1998,c.41,s.1; S.Nu. 2012,c.17,s.25(6).